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12 IN THE UNITED STATES DISTRICT COURT
13
14 FOR THE DISTRICT OF ALASKA
15

16 CHARLIE J. DAVIS)
17)
18)
19)
20)
21)
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26)

Plaintiff,

v.

ZELMER HYDEN, ET AL,
AND STATE OF ALASKA

Defendants.

Case No. A02-214 CV (JKS)

AFFIDAVIT OF HENRY A. LUBAN, MD MBA

Henry a. Luban, MD, MBA having been first duly sworn, deposes and states:

1. The State of Alaska currently employs me as its Health Services
Administrator and Medical Director for the Alaska Department of Corrections. The

1 Alaska Department of Corrections is a "dual" system consisting of a combination of
2 pre-sentenced (jail equivalent) and sentenced (prison equivalent) detainees.
3

4 2. My primary duties consist of oversight and monitoring of the
5 medical services that provides health care at sites housing Alaska Department of
6 Corrections inmates, namely all state-owned and operated facilities as well as the
7 Florence Correctional Center (FCC) in Florence, AZ, owned and operated by
8 Corrections Corporation of America. My oversight includes both the actual services
9 delivered and their quality.
10

11 3. I received a Bachelor of Arts - Chemistry (BA) from the University
12 of Virginia, Charlottesville, VA in 1978 and graduated from the University of Vermont
13 College of Medicine in Burlington, VT in 1982. I completed internship and residency
14 programs in Internal Medicine at the William Beaumont Army Medical Center in El
15 Paso, Texas in 1985. I am certified by the American Board of Internal Medicine. I
16 served as an Army medical officer from 1985 – 1989 at Fort Huachuca Arizona. I
17 worked in private internal medicine practice with Family Health Plan in Albuquerque,
18 NM 1989 –1991, for the Indian Health Service as an internist in Browning, MT from
19 1991-1996 and as Medical Director and Administrator for Humana Health Care in
20 Louisville, KY from 1991 – 1996. Prior to my present position, which began July 1,
21 2004, I was in private practice in Latham New York from 1999 – 2004. During that
22 period I served as the Medical Director of the Rensselaer County Jail and for the local
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1 juvenile facility. I am duly licensed in the State of Alaska and hold an active medical
2 license in the State of New York.
3

4 4. The following constitutes my medical opinion based upon my
5 review of the medical records of Charles J. Davis, date of birth 05/17/32, incarcerated at
6 Palmer Correctional Center from April, 2002 to October 2002. My opinions of his
7 medical care stated herein are based upon my review of the following set of documents
8 and knowledge of the appropriate health care standard.
9

10 a. Filed complaint with the US District Court.

11 b. In-patient records from Virginia Mason Hospital in Seattle,
12 Washington dated 01/12/02 -01/16/02.
13

14 c. Plaintiff's medical records, Alaska Department of Corrections,
15 dated 04/03/02 to 12/01/02.

16 d. Plaintiff's medical records produced by plaintiff, number DAV 1
17 through DAV 311.
18

19 Narrative Summary

20 5. This 69-year-old male was incarcerated at the Palmer Correctional
21 Facility from April of 2002 to December of 2002. Earlier that year he suffered a
22 myocardial infarction complicated by a cardiac arrest, requiring an extensive evaluation
23 at Virginia Mason Hospital in Washington, where he had a stent and implantable
24 defibrillator placed. He was discharged on multiple medications, including the
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26

1 anticoagulant coumadin. The latter was recommended for a period of six months.
2 While he was at Palmer, there were no reports he suffered from chest pain, dizziness or
3 other cardiovascular symptoms. His coagulation studies were monitored regularly
4 without incident and other than one uncomplicated episode of epistaxis, he had no
5 significant bleeding. His blood pressure was monitored frequently and was generally at
6 an acceptable level, with only an occasional mildly elevated reading. There were no
7 complications from the latter noted. The nurses' medication log reveals his medications
8 were given as "keep on person," with the exception of coumadin, which was
9 administered in a med line.
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11

12 6. The following summarizes my opinion on key points of the
13 complaint:
14

15 a. The plaintiff received appropriate care during his incarceration at
16 Palmer Correctional Facility consistent with correctional and community medicine
17 standards. His blood coagulation was monitored monthly, which was certainly an
18 acceptable frequency given good control. Additionally, his blood pressure was
19 monitored regularly and was generally at an acceptable level.
20

21 a. There were no objectively demonstrable untoward medical
22 outcomes or events because of failure to provide medically necessary care.
23

24 7. If called as a witness in this case I could competently testify to the
25 medical opinions outlined herein.
26


Henry A. Luban, M.D., M.B.A.

SUBSCRIBED AND SWORN TO before me this 4th day of October
2004.


Notary Public in and for State of Alaska

My Commission Expires: 9-20-08



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